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09/195,852	11/19/1998	SEAN HANDEL	AC980009	4752

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EXAMINER

CHANNAVAJJALA, SRIRAMA T

ART UNIT	PAPER NUMBER
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2177

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 41

Application Number: 09/195,852
Filing Date: November 19, 1998
Appellant(s): HANDEL ET AL.

Christopher R. Hilberg
For Appellant

EXAMINER'S ANSWER

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This is in response to the appeal brief filed on 24 February 2003.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief, page 1, is correct.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences, which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief, page 1, is correct.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief, page 1 is correct.

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief, page 2-3 is correct.

(6) *Issues*

The appellant's statement of the issues in the brief page 3 is correct.

(7) *Grouping of Claims*

The rejection of claims 1-2,5-6,8-12,15-16,18-19 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

At page 3, it is however noted that Claims 1-2,5-6,8-12,15-16,18-19 are grouped together with respect to the rejection under 35 USC 103(a).

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief, page 14-16 is correct.

(9) Prior Art of Record

6,202,083	Chrabaszc	3 2001
6,331,972	Haris et al.,	12 2001

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

1. Claims 1-2,5-6,8-12,15-16,18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chrabaszez, US Patent No. 6202083 in view of Harris et al., [hereafter Harris], US Patent No. 6331972.

2. As to Claims 1,10-11, Chrabaszez teaches a system which including 'obtaining user profile information' [see fig 5, element 500, col 4, line 42-45, col 5, line 30-33], examiner interpreting user profile information corresponds to Chrabaszez's fig 5, element 500, "obtaining at least one activity from a user device, and wherein an activity is a calendar, email, contact list, task list or note' [fig 2, element 223, col 4, line 17-24], Chrabaszez teaches for example news element 206, sports element 208 and community information element 210 is available in public space element 202 as detailed in fig 2, also it is noted that Chrabaszez specifically teaches for example client 110 is operated by user element 112, client 114 is operated by user element 16 and like , examiner interpreting user device corresponds to element 110, 114, 118 as detailed in col 3, line 33-37, 'storing the user profile information and the activity in a centralized, internet accessible database' [col 3, line 38-46, line 54-56, col 4, line 42-51, line 64-67], examiner interpreting internet accessible database corresponds to Chrabaszez's fig 1, 'providing a user access to the database from an Internet enabled device for allowing the user to alter the user profile information and to access the activity' [col 4, line 42-44,

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line 59-63], Chrabaszez specifically teaches for example users has the ability to delete, update, groups or members, also teaches updating mechanism element 308; 'receiving permission from the user' [col 5, line 37-43], 'access a public subset of the user profile information' [fig 2, element 202, col 3, line 54-59], "public subset of the user profile information on the database' [col 3, line 54-64], 'synchronizing the database and an internet enabled device so that the database and the internet enabled device both contain the content and the activities previously stored either on the internet enabled device or on the database' fig 2, col 3, line 45-53], Chrabaszez teaches for example clients, elements 110, 114, and 118 accessing the network element 110 requesting information from a server such as detailed in fig 1, element 102, each client or sever is treated as database, it is however noted that Chrabaszez does not teach 'third party access', 'third party related to the activity', 'internet enabled device'. On the other hand, Harris teaches a system which including 'third party access' [col 26, line 46-50, line 66-67, col 27, line 1-5], examiner interpreting third party corresponds to Harris's financial institution, 'third party related to the activity' [col 26, line 40-59, see fig 31-32], 'internet enabled device' [col 3, line 60-67, col 10, line 32-37].

It would have been obvious one of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Harris et al. into updating a wallpaper for computer display, which operates on a server attached to a computer network of Chrabaszez because they are both directed to personalized collection of items [see Chrabaszez, Abstract; Harris, Abstract]. One of ordinary skill in the art at the

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time of the invention would have been motivated to modify the Chrabaszez's reference, more specifically modifying fig 3, especially element 304 to incorporate the teachings of Harris's fig 31, element 480 because that would have allowed users of Chrabaszez's computer network to improving registration mechanism for groups or members, more specifically third party accessing personal profile for user information on user's interests, while preserving the user's security rights [see Chrabaszez, col 4, line 43-51], bringing the advantages of interactive personal data storage and transaction device, improving user input and output capabilities [see Harris, col 1, line 15-20].

3. As to Claims 2, 12, Harris details a system which including 'third party is a merchant utilizing the user profile information for offering a personalized service to the user' [see fig 31-32, col 26, line 44-50].

4. As to Claims 5 and 15, Harris details a system which including 'updating a third party application based on a change in the user profile information' [col 26, line 66-67, col 27, line 1-9].

5. As to Claims 6 and 16, Harris details a system, which includes 'storing rules in the database indicative of information usage in the user profile information' [col 25, line 26-36, table I, col 27, line 21-30].

6. As to Claims 8 and 18, Harris details a system which including 'the profile information is grouped in an optimal manner for a third party target application' [col 27, line 2-9].

7. As to Claims 9 and 19, Harris details a system which including 'Internet enabled device is a 'telephone, television, computer, smart card, pocket organizer, personal digital assistant' [fig 2, element 48, fig 3, element 48, fig 15, element 121, 191, fig 13, element 127, col 3, line 60-63, col 4, line 25-26].

(11) Response to Argument

a) At page 7, item (a), Claims 1,10,11, provide for obtaining an Activity from a user device, "wherein an Activity is a calendar, email, contact list, or note".....appellant respectfully disagrees

b) At page 7, item (a) Claims 1,10,11, Appellant asserts that Chrabaszcz fails to disclose or suggest obtaining an Activity from a user device, wherein the Activity is calendar information, e-mail messages, contact information, task information, or notes.....

As to the above arguments (a-b), examiner disagree with the applicant because firstly Chrabaszcz suggests user(s) activities over the network, more specifically

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registration of users, receiving requests from user(s), acknowledges, rejection of user related activities [see fig 2-3], as best understood by the examiner, user activities may be news and weather, sports and recreation, community information, family reunion, canoe club and like as detailed in fig 2, therefore, user activities are part of Chrabaszcz's teaching secondly, Chrabaszcz suggests user interface in which user(s) may access various information available on the network, more specifically accessing different web site(s) as suggested in fig 3, element 302, col 4, line 64-67 thirdly, sending, receiving messages, or information over the network such as Internet is a common knowledge in the art, for example e-mail messages, notes and like, further it is noted that Chrabaszcz specifically directed to user profile information as detailed in fig 5, element 500.

c) At page 7, item (b), Claims 1,10,11, Appellant respectfully disagrees and asserts that this limitation "*Storing user profile information, an activity, and content from third party in centralized, internet accessible database*" not taught by Chrabaszcz, Harris, or the combination thereof, moreover, nowhere does the examiner indicate where Chrabaszcz and Harris teach or suggest storing content received from a third party

As to the above argument©, examiner disagree with the applicant because firstly, Chrabaszcz suggests information may be accessed across network such as detailed in fig 1, element 100, more specifically wide area networks such as the Internet [col 3, line 24-26], secondly, 'storing user profile information' is part of Chrabaszcz's teachings

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because Chrabaszczyk specifically teaches user database that contains personal profiles for various users [fig 3, col 4, line 41-44], also Chrabaszczyk specifically teaches user(s) personal profile contain interests, affiliations, past history, user's security rights and like as detailed in col 4, line 44-47], as best understood by the examiner, storing user profile information that is internet accessible database is an integral part of Chrabaszczyk's teaching. It is however noted that Chrabaszczyk does not specifically teach 'third party access', although Chrabaszczyk specifically teaches user(s) security rights over the network [col 4, line 47]. On the other hand, Harris specifically teaches 'third party access' [see col 26, line 46-50, line 66-67, col 27, line 1-5], further in the office action, examiner clearly mentioned that third party corresponds to Harris's financial institution.

d) At page 8, line 1-2, item (b), Claims 1,10,11, Importantly, the content received is not stored in the same database that stores the user profile information.....in the present invention.....

As to the above argument (d), examiner disagree with the applicant because Chrabaszczyk teaches various elements such as registration, web site user interface, updating, picture database, fetching, user database as detailed in fig 3 is part of server element 102, further it is noted that "user database element 306 is considered to be sharing, storing in a centralized database because registration, fetching, picture database, updating are one way or the other connected to the user database element

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306, therefore, as best understood by the examiner, the content received is stored in the same database that stores the user profile information.

e) At page 8, line 9-10, Claims 1,10,11, nowhere does Harris describe receiving content from a third party, related to an activity.....

f) At page 8, line 29-31, Claims 1,10,11, nowhere does Harris teach or suggest a) that such data is related to an activity

As to the above arguments (e-f), examiner disagree with the applicant because Harris specifically teaches third party that collects information of not only user(s) but also user(s) related activities such as billing, merchant account information that are available from the financial institutions such as banks and like as detailed in col 20, line 66-67, col 21, line 1-3, col 26, line 40-52, also see fig 30-32.

g) At page 8, line 30-31, Claims 1,10,11, nowhere does Harris teach or suggest b) such data is saved in the same database as the activity and user profile information...

h) At page 8, line 35-36, Claims 1,10,11, the cited references plainly fail to teach or suggest storing user profile information, an activity, and third party content on a single database.

i) At page 10, line 1-2, Claims 1,10,11, Harris also does not disclose a third party having access to.....

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As to the above arguments (g-l), as best understood by the examiner, both Chrabaszc and Harris do teach databases that store information related to user(s) activities or transactions, also both are directed to accessing and retrieving data from the databases [see Chrabaszc: fig 3, col 4, line 42-47; Harris: col 20, line 60-64]. It is however, noted that Harris specifically teaches 'third party' has the ability to receive selected specific data from the databases, further if third party information was not available on a single database, it would not be possible to collect specific information for one or more third parties [col 20, line 66-67, col 21, line 1-3].

j) At page 9, line 8-10, Claims 1,10,11, the user can access this information anywhere via an Internet enable device-such as with a Palm Pilot PDA or mobile telephone...

As to the above argument (j), as best understood by the examiner, both Chrabaszc and Harris specifically teaches for example wide area network or WAN used for communicating across network [Chrabaszc: col 3, line 23-27; Harris: fig 1, col 7, line 54-56, and both suggests Internet for example see Chrabaszc col 3, line 25-27. It is noted that Harris specifically suggests using personal digital assistant or PDA or other electronic devices been connected through WAN [col 6, line 16-20, col 7, line 15-20,col 8, line 40-43]

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k) At page 10, line 1-2, Harris also does not disclose a third party having access to user profile information.....


l) At page 10, line 14-17, nowhere does Harris teach or suggest that content received from the third party is related to an activity.....

As to the above arguments (k-l), examiner disagree with the applicant because Harris specifically directed to third party collecting information about user(s) or user profile information such as bank account, billing information and like [col 26, line 50-55], further Harris also suggests several varieties of transaction, one of the transactions being financial transaction specifying and protecting user(s) personal information at various levels [col 25, line 28-33], further third party related activities may be corresponds to financial information, billing information or a product note or purchase information and like [col 26, line 40-50], it is also noted that merchant terminal or system waits until it receives an acknowledgement [col 26, line 50-52] that corresponds to third party related to an activity such as task information, or notes and like. Therefore, as best understood by the examiner, Harris not only teaches third party having access to user profile or user(s) personal information, but also specifically protecting of user(s) personal information at various levels.

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For the above reasons, it is believed that the rejections should be sustained.

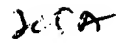
Respectfully submitted,

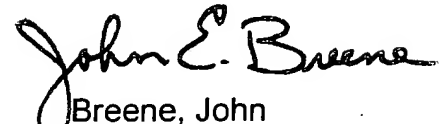


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